

AN ACT

ENTITLED, An Act to revise certain provisions regarding the students eligible for resident tuition benefits at universities controlled by the Board of Regents.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 13-53-6.3 be amended to read as follows:

13-53-6.3. Notwithstanding any other provision of law, the following persons qualify for resident tuition rates at the institutions controlled by the Board of Regents:

- (1) Any citizen or other person entitled under law to establish a residence in the United States who graduates from a South Dakota high school; or
- (2) Any citizen or other person entitled under law to establish a residence in the United States who was a South Dakota resident at the time of high school graduation and lived with a parent or legal guardian who was also a South Dakota resident.

Section 2. That § 13-53-27 be amended to read as follows:

13-53-27. The residence of an unemancipated person under twenty-four years of age follows that of the parents or of a legal guardian who has actual custody of the person or administers the property of the person. In the case of divorce or separation, if either parent meets the residence requirements, the person shall be considered a resident.

Section 3. That § 13-53-34 be amended to read as follows:

13-53-34. The following factors are relevant in evaluating a requested change in a student's nonresident status and in evaluating whether the person's physical presence in South Dakota is for the predominant purpose of attending a college, university, or other institution of higher education:

- (1) The residence of a student's parents or guardians;
- (2) The situs of the source of the student's income;
- (3) To whom a student pays taxes, including property taxes;

- (4) The state in which a student's automobile is registered;
- (5) The state issuing the student's driver's license;
- (6) Where the student is registered to vote;
- (7)
- (8) Ownership of property in South Dakota and outside of South Dakota;
- (9) The residence claimed by the student on loan application, federal income tax returns, and other documents;
- (10) Admission to a licensed profession in South Dakota;
- (11) Membership in civic, community, and other organizations in South Dakota or elsewhere; and
- (12) The facts and documents pertaining to the person's past and existing status as a student.

The existence of one or more of these factors does not require a finding of resident student status, nor does the nonexistence of one or more require a finding of nonresident student status. All factors shall be considered in combination and resident student status may not result from the doing of acts which are required or routinely done by sojourners in the state or which are merely auxiliary to the fulfillment of educational purposes.

Section 4. That chapter 13-53 be amended by adding thereto a NEW SECTION to read as follows:

The Board of Regents shall reclassify any nonresident student to the status of resident student upon timely proof of marriage of the student to a resident of South Dakota.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1012

Chief Clerk
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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1012
File No. _____
Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor
=====

STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State